

NOTICE OF PENDENCY AND CONSENT TO JOIN LAWSUIT

NOTICE OF FLSA LAWSUIT

To: All employees who performed work at Wyndham Garden Fresh Meadows Hotel Flushing at 61-27 186th Street, Fresh Meadows, NY 11365 *first at a construction worker and then as a chef* at any time from _____ (three years prior to this order date) to the present

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY

THE HONORABLE LOIS BLOOM

UNITED STATES MAGISTRATE JUDGE – EASTERN DISTRICT OF NEW YORK

You are not being sued. The purpose of this Notice is to advise you of a lawsuit that has been filed Wyndham Garden Fresh Meadows Hotel Flushing under the Fair Labor Standards Act and to advise you of the legal rights you have in connection with that lawsuit.

1. Introduction to the Case

This notice is to inform you of a lawsuit pending in the United States District Court for the Eastern District of New York in Brooklyn, New York brought by Plaintiff LIYOU XING on his own behalf and on behalf of others similarly situated against Defendants MAYFLOWER INTERNATIONAL HOTEL GROUP INC d/b/a Mayflower Hotel and d/b/a Wyndham Garden; MAYFLOWER BUSINESS GROUP, LLC d/b/a Mayflower Hotel and d/b/a Wyndham Garden; MAYFLOWER INN CORPORATION d/b/a Mayflower Hotel and d/b/a Wyndham Garden; MAYFLOWER WENYU LLC d/b/a Mayflower Hotel and d/b/a Wyndham Garden; YAN ZHI HOTEL MANAGEMENT INC. d/b/a Mayflower Hotel and d/b/a Wyndham Garden; and MAYFLOWER 1-1 LLC d/b/a Mayflower Hotel and d/b/a Wyndham Garden, WEI HONG HU a/k/a Weihong Hu, YUEHUA HU and XIAOZHUANG GE (hereinafter “Defendants”).

This lawsuit claims that Defendants violated the Fair Labor Standards Act and New York Labor Law by failing to pay all eligible employees the minimum wage or overtime at one-and-a-half times their regular pay rate for those hours worked in excess of 40 hours per week.

Defendants deny that they have violated the FLSA and have raised various defenses. The Court has approved the sending of this Notice, but the Court expresses no opinion on the merits of this lawsuit. A final decision on the merits of this lawsuit has not been made by the Court.

You may be eligible to join this lawsuit if you:

- 1) worked at Wyndham Garden Fresh Meadows Hotel Flushing located at 61-27 186th Street, Fresh Meadows, NY 11365 at any time from _____ (three years prior to this order date) to the present;
- 2) were a construction worker at first and then worked as a chef; and
- 3) were either not paid the minimum wage or worked more than 40 hours per week and were not paid overtime at one-and-a-half times your regular hourly rate of pay for any work performed in excess of 40 hours per week.

2. To Join the Lawsuit and Be Represented by Plaintiff’s Counsel

If you fit the description above, you may join this lawsuit by completing the attached “Consent to Join Lawsuit” form and mailing it to the Court [before 60 days from the date notice is sent out] at the following address:

Clerk of Court
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
Re: 1:18-cv-06616-PKC-LB

If you fail to return the “Consent to Join Lawsuit” form to the Court [before 60 days from the date notice is sent out], you may not be able to participate in this lawsuit. If you choose to join this lawsuit, you will be bound by the judgment, whether it is favorable or unfavorable. If you join this lawsuit, you may be asked to give testimony and information about your work for defendants to help the Court decide whether you are owed any money.

Plaintiff’s counsel, Troy Law PLLC, is being paid on a contingency fee basis, which means that if there is no recovery, there will be no attorney’s fee. If there is a recovery, plaintiff’s counsel will receive either a fee from the defendants and/or a part of any settlement obtained or money judgment entered in favor of the plaintiff and others who opt-in. If you sign and return the “Consent to Join Lawsuit” form attached to this Notice, you are agreeing to permit the attorney to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, and to enter into an agreement with plaintiff’s counsel concerning attorney’s fees and costs. However, the Court retains jurisdiction to determine the reasonableness of any fee agreement entered into by plaintiffs with counsel and to determine the adequacy of the plaintiff’s counsel.

You may call Troy Law PLLC for further information about this lawsuit. The phone number is (718)762-1324.

3. To Join the Lawsuit and Not Be Represented by Plaintiff’s Counsel

You may join this lawsuit by representing yourself or by retaining an attorney of your own choosing. To do so, you or your attorney must file the appropriate documents with the Clerk of Court listing the name and docket number of this case: Liyou Xing v. Mayflower International Hotel Group Inc, et al., 1:18-cv-06616-PKC-LB. The address of the Court is: United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201.

4. To Not Participate in the Lawsuit

If you do not wish to be part of this lawsuit, you need not do anything. If you do not join the lawsuit, you will not be part of the case in any way and you will not be bound by or affected by the result, whether favorable or unfavorable. Your decision not to join this lawsuit will not affect your right to bring a similar case on your own in the future. However, claims under the Fair Labor Standards Act must be brought within two years, unless the employer’s violation of the law was “willful,” in which case the claims must be brought within three years of the alleged violation.

5. No Retaliation Permitted

Defendants are prohibited by law from taking any retaliatory action against any person, including a current employee, who joins this lawsuit.

CONSENT TO JOIN LAWSUIT
Liyou Xing v. Mayflower International Hotel Group Inc, et al.,
1:18-cv-06616-PKC-LB

I represent that I worked first as a construction worker and then as a chef for Wyndham Garden Fresh Meadows Hotel Flushing at 61-27 186th Street, Fresh Meadows, NY 11365 between _____ (three years prior to this order date and the present. I was not paid the minimum wage and/or I worked in excess of 40 hours per week and was not properly compensated for overtime. I hereby consent to be a plaintiff in the lawsuit named Liyou Xing v. Mayflower International Hotel Group Inc, et al. I hereby consent to the prosecution of any claims that I may have under the Fair Labor Standards Act and New York Labor Law for unpaid overtime, unpaid minimum wages, liquidated damages, attorney's fees, costs, and other relief against the defendants. I authorize Troy Law PLLC, its successors and assigns, to represent me in this case.

By signing and returning this consent form to the Court, I understand that I will be represented by Troy Law PLLC without prepayment of attorney's fees. I understand that if plaintiffs are successful, costs expended by attorneys on my behalf will first be deducted from any settlement or judgment entered. I understand that Troy Law PLLC may petition the Court for an award of fees and costs to be paid by defendants on my behalf. I understand that the fees retained by the attorneys will be either the amount received from the defendants or a percentage of the total settlement or judgment amount (including fees).

Dated: _____

Signature: _____

Name: _____

Address: _____

Phone: _____

**MAIL THIS FORM [BEFORE 60 DAYS THE NOTICE IS SENT OUT] TO THE COURT
AT THE FOLLOWING ADDRESS:**

Clerk of Court
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
Re: 1:18-cv-06616-PKC-LB